IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION No.17630 of 2004

Between:

1. Ashok, s/o G.S.Bansilal,
   Gr.II Hindi Pandit, Bharat Abhyudaya High School (Aided),
   Ziaguda, Hyderabad.
2. G.Bharathi Devi, d/o Gunde Rao,
   Gr.II Hindi Pandit, Raja Bahadur Sir Bansilal Balika Vidyalay,
   Begum Bazar, Hyderabad.
3. P.B.Padmavathi, d/o P.B.Ramanujacharyulu,
   Gr.II Hindi Pandit, Raja Bahadur Sir Bansilal Balika Vidyalay,
   Begum Bazar, Hyderabad.
4. B.Bala Tripura Sundari, d/o B.Gopala Krishna Murthy,
   Gr.II Telugu Pandit, Bharat Abhyudaya High School, Ziaguda,
   Hyderabad.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh, rep., by its Secretary,
Education Department, Secretariat, Hyderabad.
2. The Commissioner and Director of School Education, A.P.Hyderabad.
3. The District Educational Officer, Hyderabad District.
4. The Correspondent, Bharat Abhyudaya High School (Aided),
Ziaguda, Hyderabad.
5. The Correspondent, Raja Bahadur Sir Bansilal Balika Vidyalay, (Aided)
Begum Bazar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not extending the benefit of G.O.Ms.No.330, dated 10.08.1983 read with G.O.Rt.No.644, Education dt.7-12-2000 and as per judgment in WP No.26260 of 2000 dt.12-09-2003 (reported in 2003 (6)

A.L.T.693 (DB)) as illegal, improper, unjust and arbitrary and in clear discrimination and further direct the respondents to extend the same without reference to the cut off date forthwith with all consequential benefits including monetary and seniority.

Counsel for the Petitioners: MR.K.UMAPATHY

Counsel for the Respondent Nos.1 to 3 : GP FOR EDUCATION

Counsel for the Respondent Nos.4 and 5: None appeared.

The Court at the stage of admission made the following:

O R D E R:

For the last four adjournments, there was no representation on behalf of the petitioner. Even today also there is no representation on behalf of the petitioner. Therefore, there is no use in keeping the writ petition pending and calling again the petition on each and every day.

The petitioners' claim is based upon G.o.Ms.No.330 Education (H1) Department, dated 10.08.1983 read with G.O.Rt.No.644 Education (Services IU) Department dated 07.12.2000 and upon the judgment of this Court in writ petition No.26260 of 2000 dated 12.09.2003.

Under G.O.Ms.No.330, dated 10.08.1983, separate qualifications are prescribed for Grade-II and Grade-I Language Pandit posts. The following instructions have to be implemented:..

> a) The posts of Grade –II Language Pandits in High Schools held by Pandit possessing Grade-I qualifications shall be upgraded as grade-I posts in the scale of Rs.700-1200 from the date of this order and the persons working in these posts shall be treated as Grade I Pandits and their pay fixed under F.R.22(a) (ii) subject on the conditions that the number of Grade I posts be sanctioned as per the existing rules on the High Schools. Persons now working as Grade II Pandits in High Schools should be adjusted against eligible Grade I Pandit posts as per

the existing rules and allowed to grade I Pandit scale and for such other persons who cannot be adjusted against grade I Pandit posts be allowed the grade I scale as personal scale and such persons be promoted as envisaged in "C" below.

b) Grade II language Pandits working in upper primary schools and possessing grade I language Pandit qualifications shall be given Grade I language Pandit scale (Rs.700 – 1200) fixed under F.R.22(a) (ii). This benefit shall not however be extended to Grade II Pandits appointed from 12.08.1982 even though they possess grade I language pandits qualifications.

C) The posts of language pandits Grade I arising in High Schools in futureshall not be filled by promotion of Grade II Pandits in High Schools or by direct recruitment till the Grade II Pandits possessing Grade I Pandits qualifications as personal to them in High Schools and Upper Primary schools are absorbed in these Grade I vacancies.

d) The Grade II language Pandits who are given Grade I language Pandits scales as personal scale in upper primary schools (vide (b) above) shall be absorbed in the vacancies of grade I language Pandits posts arising in High Schools from 11.08.1982."

Subsequently, Government of Andhra Pradesh brought an ordinance which was published in the Extraordinary Gazettee dated 06.11.2004, whereunder the claim of the Language Pandits Grade-II for allowing the pay scale of Language Pandit Grade-I stands extinguished from the date of commencement of that ordinance. So also, the orders issued by the Government allowing the Language Pandits Grade-II the pay scale attached to the Grade-I posts for possessing requisite qualifications prescribed for the post of Language Pandits Grade-I shall stand cancelled. In such view of the matter, the remedy if any, the petitioners have got is to challenge the ordinance. There is no *lis* to be adjudicated in the present Writ petition.

The writ petition is devoid of merits and the same is accordingly dismissed at the admission stage. No costs.

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K.C.BHANU, J

8th December, 2004.

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To

1. The Secretary, Government of Andhra Pradesh,
Education Department, Secretariat, Hyderabad.
2. The Commissioner and Director of School Education, A.P.Hyderabad.
3. The District Educational Officer, Hyderabad District.
4. 2 C.C.s to the G.P. for School Education, High Court of A.P., Hyderabad.

5. 2 C.D Copies.